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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,315	10/27/2000	Yoshinobu Shiraiwa	862.1579 Div.1	7562
5514	7590	03/23/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/697,315	SHIRAIWA ET AL.	
	Examiner Lin Ye	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-26 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 23 and 24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 17-22, 25 and 26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 08/689,054.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 17-22 and 25-26 filed on 11/01/04 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 17-20, 22, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. U.S. Patent 5,557,325 in view of Goto U.S Patent 5,430,788.

Referring to claim 17, the Ueda reference discloses in Figures 1-3, an image processing apparatus comprising: a first input unit (image pickup device 1, See Col. 3, lines 5-6), arranged to input an image signal; second input unit, arranged to input position information and image data in the position (e.g., position information indicated from the microcomputer 9, see Col. 3, lines 43-44); an extractor, arranged to extract the image data in the position corresponding to the position information from the image signal (See Col. 4, lines 43-46); a setter, arranged to set an image processing parameter on the basis of the image data extracted by said extractor and the image data input by said second input unit (microcomputer 9

calculates the balance of each color component on the basis of position and range data to set the white balance into a proper state, see Col. 4, lines 37-38); a processor (chrominance signal processing circuit 5, See Col. 4, lines 39-42), arranged to perform image processing on the image signal by using the image processing parameter set by said setting means (See Col. 4, lines 35-56). However, the Ueda reference does not explicitly show an indicator manipulated by a user, arranged to indicate an arbitrary position of an image displayed on a screen from the image signal.

The Goto reference teaches in Figures 1-3, an image processing apparatus comprising an indicator manipulated by a user, arranged to indicated an arbitrary position of an image displayed on a screen from the image signal (e.g., a mouse 6 controlled by user that is an input device for inputting the data and information from outside, see Col. 2, lines 40-43; in Figure 2, an arrow 13 controlled by the mouse 6 for indicating an arbitrary position of an image displayed on a screen 3 from the image signal, i.e., C1 and D1 in the first CT image see Col. 3, lines 27-31); the specific portion of image is selected form the screen 3 by the arrow and extracted for image processing (See Col.3, lines 50-65). The Goto reference is evidence that one of ordinary skill in the art at the time to see more advantages for the imaging processing system has an indicator manipulated by a user, arranged to indicated an arbitrary position of an image displayed on a screen from the image signal so that the user has more flexible options to select a desired portion of image from image processing. For that reason, it would have been obvious to see one having ordinary skill in the art at the time of the invention was made to modify the image processing apparatus of Ueda ('325) by

providing an indicator manipulated by a user, arranged to indicate an arbitrary position of an image displayed on a screen from the image signal as taught by Goto ('788).

Referring to claim 18, the Ueda reference discloses wherein said first input unit inputs an image signal output from image sensing unit (image pickup device 1).

Referring to claim 19, the Ueda reference discloses wherein said setter sets an image processing parameter (e.g., the data for balance of each color component, see col. 4, lines 39-421) for converting the image data extracted by said extractor into the image data input from said second input unit (e.g., Col. 3, lines 46-48 and Col. 4, lines 43-46).

Referring to claim 20, the Ueda reference discloses wherein said processor (chrominance signal processing circuit 5) performs color balance processing (adjusting and balancing each color component of signals) by using the image processing parameter (the data calculated from microcomputer 9 for balancing each color component, and setting the white balance into a proper state) set by said setting means (See Col. 4, lines 33-56).

Referring to claim 22, the Ueda and Goto references disclose all subject matter as discussed with respect to same comment as with claim 17.

Referring to claim 25, the Ueda and Goto references disclose all subject matter as discussed with respect to same comment as with claim 17.

Referring to claim 26, the Ueda and Goto references disclose all subject matter as discussed with respect to same comment as with claim 17.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. U.S. Patent 5, 557,325 in view of Goto U.S Patent 5,430,788 and Aihara et al. U.S Patent 5, 729,363.

Referring to claim 21, the Ueda and Goto references disclose all subject matter as discussed in parent claim 17, except that reference does not explicitly show when setter sets no image processing parameter, the processor also performs white balance processing.

The Aihara reference discloses a image processing apparatus comprising: a CCD image sensor (4) and image processing circuit (7) for white balance, flare and shading correction processing (See Col. 8, lines 17-21); and the imaging data may be processed basis of a reference imaging parameters wherein there are no desired imaging parameter or wherein there are imaging parameters close to the desired imaging parameters in the imaging data (See Col. 19, lines 1-6). The Aihara reference is evidence that one of ordinary skill in the art at the time to see more advantages for the imaging processing system has more flexible options to processing the image data such white balance correction either using the image parameter obtain from the image data, or the other reference imaging parameter data when no desired imaging parameter in the image data. For that reason, it would have been obvious one having ordinary skill in the art at the time of the invention was made to modify the image processing apparatus of Ueda ('325) by providing the setter sets no image processing parameter, the processor also performs white balance processing as taught by Aihara ('363)

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Kooriyama JP. Publication 08-331495 discloses in Figure 2, a focus indicator manipulated by a user, arranged to indicate an arbitrary position of an image displayed on a screen, and the portion of image extracted from the image data corresponding to the position information indicated by focus indicator.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


James J. Groody
Supervisory Patent Examiner
Art Unit 2615

Lin Ye
March 18, 2005